

## **Subgroup #2 – Default Standard Development August 23, 2016**

### **Sideboards/Considerations**

1. Legally defensible
2. Act 21
3. Applicable codes
  - a. NR 700 – NR 722
    - i. NR 722.09(c)(3)
  - b. NR 102 – NR 106
4. Whatever approach is developed (i.e. value or process) it needs to:
  - a. Ensure standards can be achieved
  - b. Meet 80/20 Rule
  - c. Provide consistency
  - d. Result in reproducible results/process (i.e. same inputs will equal similar outputs)
5. Consider a parallel path for sediment and soil
  - a. Soil - NR 720 process
    - i. Industrial
    - ii. Non-industrial
    - iii. Groundwater Pathway
    - iv. Risk Management
  - b. Sediment

### **Legal Issues**

1. Legal authority to use EPA Ecological Screening Levels
2. Applicability of using water quality criteria to determine sediment number

### **Discussion Points**

#### **What do default numbers mean?**

1. How does surface water criteria fit in and how can we link surface water criteria to sediment?
2. Assumptions
  - a. < Default Number – No additional assessment needed?
  - b. > Default Number - Additional assessment needed?
    - i. To define contaminants in project area?
    - ii. To define degree and extent of contamination?

## **What is the purpose for the default numbers?**

1. Screening Level or Cleanup?

## **Possible Options for Default Standards**

1. Consensus Based Sediment Quality Guidelines (CBSQGs)
  - a. Pros
  - b. Cons
    - i. Not legally defensible - guidance
2. Water Quality (NR 102 – NR 106)
  - a. Pros
  - b. Cons
3. EPA ESLs
  - a. Pros
    - i. Similar approach as soil (i.e. reliance on EPA numbers)
  - b. Cons
4. Surface Water Data
  - a. Pros
  - b. Cons
5. Pore Water Data
  - a. Pros
  - b. Cons
6. Ecological
  - a. Pros
  - b. Cons
7. Other

## **Default Standard Considerations**

1. Number vs. Range
2. Totals vs. Individual Contaminants
3. Detection Limits > Standards
  - a. What parameters are of concern?
4. Point of Standards
5. Area-wide
  - a. Surface Weighted Area Concentration (SWAC)
  - b. Acute/Chronic Mixing Zones

6. Ecological/Biological
  - a. Toxicity & Survival
7. Equilibrium Partitioning Sediment Benchmarks (ESBs)
8. Economic Justice
  - a. Fisheries
    - i. Fish Consumption Advisories
9. Technical Variance Option(s)
  - a. DNR letter (fee?)

**Action Item**

1. Burzynski to look at how other states are applying their sediment criteria/standards.
2. Provide a link to Sara Yang's March 30, 2016 CSEAG presentation to the subgroup.